

## REMARKS

Claims 1, 8, 10-17, 19-25, and 27-31 are pending in the present application. In a Final Office Action mailed on November 30, 2006, certain rejections to the illustrations were raised. Further, the specification was objected to under 37 C.F.R. § 1.75(d)(1). Claims 1 and 20 were objected to because of certain informalities. Claims 1 and 20, and certain claims stemming therefrom, were rejected under 35 U.S.C. § 102. Finally, Claims 14-17 were indicated as containing allowable subject matter. Applicant thanks the Examiner for the notice of allowable subject matter.

In view of the remarks that follow, applicant respectfully requests reconsideration and submit that all claims are now in condition for allowance.

### A. Objections to the Illustrations

The drawings stand objected to under 35 C.F.R. § 1.83(a) for failing to specifically show every feature set forth in the claims. Specifically, the Office Action sets forth the position that the "cooperatively shaped alignment device 12 disposed on the building element 30 (Claim 10) must be shown or the feature(s) canceled from the claim(s)." The Examiner clarified the objection by noting that it is not "based on the showing of the alignment mechanism alone but rather the alignment device is not shown disposed on the building element 30." The Examiner concludes that the "locating pin 12, is only shown disposed on the mounting member (unreferenced containing surface 13; see FIGURES 2 and 3)." Applicant respectfully disagrees.

As may be best seen by referring to FIGURE 1, the shower assembly 200 is shown in an exploded view, wherein the cam portion 10, including the locating pin 12, is shown removed from a building element 30. FIGURE 2 illustrates an assembly view, wherein the cam 10 is releasably locked to the building element 30, such that the locating pin 12 (shown in phantom in FIGURE 2) is thereby shown "disposed on the building element," as required by Claim 10.

Accordingly, applicant respectfully traverses the foregoing objection as the cited limitation is illustrated in FIGURE 2.

The illustrations also stand objected to because the reference characters (31) in FIGURE 1 "are misleading since it appears to point to the inner surface of the building element, which conflicts with the description of U-shaped screw pipes '31' on page 34, line 21." The Examiner sets forth the position that no U-shaped pipes are shown as described on page 34, line 21. Applicant respectfully disagrees.

As the Examiner correctly noted, the detailed description and illustrations as originally filed expressly disclose the following:

Blots or other mechanical fasteners 21 are used to secure the engaging portion to the building element 30. In the illustrated embodiment, the mechanical fasteners 21 engage a pair of U-shaped screw pipes 31 disposed on the inside wall of the building element.

(Page 34, lines 19-22).

Further, FIGURE 1 is described as "a partially exploded, partial cross-sectioned view of one embodiment of the connection assembly formed in accordance with the present invention." (Page 26, lines 25-26). Thus, the specification describes that FIGURE 1 is a cross-sectional view of the assembly and, therefore, a U-shaped pipette would be illustrated as exactly shown in FIGURE 1.

Applicant respectfully notes that there is no requirement that every feature that is *not* claimed be shown as exactly described. Instead, it is merely enough that the invention be described only in such terms so as to enable one of ordinary skill in the art to make and use the best mode for carrying out the claimed invention. Such is the case here.

Thus, applicant respectfully traverses the objection to the reference characters (31) and further requests the Examiner to provide support in either the Statue or in the Code of Federal

Regulations to mandate a change to the illustrations as required by the Office Action with respect to the present objection.

The drawings are further objected to under 37 C.F.R. § 1.84(p)(4) because the reference character "30" has been used to designate both a building element having threaded openings for fasteners 21 at the bottom (FIGURES 1-3) and a building element without a threaded opening for fasteners at the bottom (FIGURE 6). Applicant respectfully traverses this objection for at least the following reasons.

As set forth in the application as originally filed, "FIGURE 6 is a partial side cross-section view of an alternate embodiment of a *cam portion* formed in accordance with the present invention." (Page 27, lines 8-9). Applicant notes that the building element 30 illustrated in FIGURE 3 is illustrative only and not intended to represent an exact replica of the previously described building element. Further, the specification, as originally filed, notes that this is an alternate embodiment of the cam portion and not the building element. It appears that the Examiner is requiring the exact level of detail found in the primary embodiment be included in the embodiment described with reference to FIGURE 6 when the embodiment of FIGURE 6 is generally directed to an alternate embodiment of the cam portion. It is respectfully submitted that the building element of FIGURE 6 is present for environmental or illustrative purposes only. Accordingly, applicant respectfully traverses the objection raised under 37 C.F.R. § 1.84(p)(4).

B. Objections to the Specification

The specification is objected to as failing to provide proper antecedent basis for various claimed subject matter. Applicant regrets this oversight and has amended the specification as set forth above.

In view of the foregoing amendments to the specification, applicant respectfully submits that the objection under 37 C.F.R. § 1.75(d)(1) has been overcome.

C. Claim Objections

Claims 1 and 20 stand objected to because "of the type" found in the respective claims. Further, Claim 1 stands objected to because the phrase "one of" in line 5 is redundant to the conjunction "or." Applicant regrets this oversight and has amended Claim 1 accordingly. However, applicant respectfully traverses the requirement requiring the deletion of the phrase "of the type," as found in Claims 1 and 20. Specifically, applicant respectfully requests clarification and support in either the statute or case law mandating the deletion of such a phrase. Applicant respectfully submit that such a phrase is clear and is intended to describe the environment in which the quick connect assembly is intended to be used. Accordingly, applicant respectfully submits that the foregoing objections to Claims 1 and 20 have been overcome.

D. Claims Rejections

Claims 1-3, 5-7, 10-13, 20, 22, 24, and 27-31 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 2,265,267, issued to Cowles. Applicant respectfully disagrees.

A claim is anticipated only if each and every element set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 814 Fed. 2nd 628, 631 (Fed. Cir. 1987). Moreover, the "identical invention must be shown in as complete detail as is contained in the . . . claim." *Richardson v. Suzuki Motor Corp.*, 868 Fed. 2nd 1226, 1236 (Fed. Cir. 1989). Cowles fails to satisfy this well established requirement for a proper rejection under 35 U.S.C. § 102(b).

The Office Action sets forth the position that Cowles discloses each and every element of Claims 1 and 20. Specifically, the Office Action sets forth the position that the first conduit 20 is "disposed within a portion of the building element 24 and the second conduit 4 is disposed on a side of the mounting member 1 opposite the locking member 5." Applicant respectfully

disagrees with this characterization of the Cowles reference as it is not supported by the express teachings of Cowles.

Before addressing the substantive aspects of the rejection, applicant respectfully summarizes one embodiment of the presently claimed subject matter. In that regard, Claim 1 is generally directed to a quick connect assembly interconnecting the building element and the mounting member, wherein the first conduit is "disposed within a portion of the building element and the second conduit [is] disposed on a side of the mounting member opposite the first or second locking member." This aspect may be best understood by referring to FIGURE 1 of the present application, wherein the upper plumbing 204 is disposed within the building element 30, whereas the lower plumbing 206 is disposed on a side of the surface 13 opposite the first or second locking members.

Cowles, on the other hand, merely teaches a swivel connection for conduits. Specifically, Cowles expressly teaches a ring member 24 rotatably mounted on a coupling head 19. The ring member 24 is "equipped with an annular inwardly projecting flange 25 which is disposed between the head 19 and an annular shoulder of the collar 23." (Col. 3, lines 20-24). The ring member 24 is adapted to "receive telescopically the outer end portion of the casing member 5." (Col. 3, lines 37-39). Finally, the "ring member 24 is rendered rigid with collar 23 by means of drive fit for obvious reasons." (Col. 3, lines 55-57.)

Thus, the "building element 24," as recited in the Office Action is merely a cap that is rendered rigid with a corresponding collar 23 by drive fitting the two elements together. The ring member 24, as described by Cowles, is merely used to facilitate turning of the collar through an arc of 90° to allow the spring 18 to force flanges 26 into recesses 17. (Col. 3, lines 48-57). In fact, and as best seen by referring to Figure 1 of Cowles, the outside surface of the ring member 24 is serrated to facilitate such turning motion.

Applicant respectfully notes that there is absolutely no teaching or suggestion found within Cowles, either expressly or implicitly that would equate the ring elements 24 with a building element, as required by Claims 1 and 20 in the present application. Thus, Cowles fails to teach or suggest a first conduit disposed within a portion of the building element, as generally required by Claims 1 and 20.

Applicant also respectfully notes that Cowles fails to teach or suggest a "second conduit being disposed on a side of a mounting member opposite the first or second locking member," as required by Claims 1 and 20. Instead, Cowles expressly teaches that the conduit 4 extends *through the second locking member 5*. Support for this position is found by referring to Figure 2 of Cowles, wherein the conduit 4 extends through the threaded portion into the cavity 3 and continues into the cavity 2 where it is received within the second locking member 5 and is in fluid communication with the cavity 15. Thus, Cowles fails to teach or suggest a second conduit "being disposed on a side of the mounting member opposite the first or second locking member," as generally required by Claims 1 and 20.

Accordingly, for at least the foregoing reasons, applicant respectfully submits that Cowles fails to teach or suggest the embodiments of Claims 1 and 20 as currently pending in the application. The dependent claims of the present application stem from either Claims 1 or 20 and are thus allowable for at least the reasons discussed above. Further, each dependent claim and further patentable distinctions over the cited references of record whether taken individually or in hypothetical combination. Accordingly, applicant respectfully submits that the dependent claims of the present application are in condition for allowance.

E. Allowable Subject Matter

Claims 14-17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim

and any intervening claims. Applicant thanks the Examiner for this notice of allowable subject matter.

If any further questions remain, the Examiner is invited to telephone applicant's attorney at the number listed below.

Respectfully submitted,

CHRISTENSEN O'CONNOR  
JOHNSON KINDNESS<sup>PLLC</sup>



John D. Denkenberger  
Registration No. 44,060  
Direct Dial No. 206.695.1749

JDD:cg

LAW OFFICES OF  
CHRISTENSEN O'CONNOR JOHNSON KINDNESS<sup>PLLC</sup>  
1420 Fifth Avenue  
Suite 2800  
Seattle, Washington 98101  
206.682.8100